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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of

Gerd BRANDHORST et al.

Serial No. 09/368,505

Group Art Unit 3754

Filed: August 5, 1999

Examiner: Philippe DERAKSHENI

For: DEVICE FOR EMPTYING A FILM TUBE

SUPPLEMENTAL REISSUE DECLARATION

As a below named inventor, I hereby declare that my citizenship, postal address and residence are as stated below; that I verily believe I am the original, first and joint inventor of the invention entitled:

DEVICE FOR EMPTYING A FILM TUBE

the specification of which was filed on August 5, 1999, received serial No. 09/368,505, and includes original U.S. Patent No. 5,653,360, issued August 5, 1997.

I have reviewed and understand the contents of the above-identified Specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below:

by reason of the patentees claiming more or less than they had the right to claim in the patent.

At least one error upon which reissue is based is described as follows:

Original independent claims 1 and 4 of the patent recite that the housing is a "cylindrical" housing and "said housing having an inner diameter and including an end portion having a ring support surface, the cap having a dispensing opening, an

annular engaging portion surrounding the dispensing opening and cooperating with said ring for sealing the dispensing end of the tube, and a cylindrical end portion adapted to engage the end portion of the housing, said ring having a peripheral portion which exceeds the inner diameter of the housing for engaging said ring supporting surface ..."

These recitations render the original patent wholly or partly inoperative by reason of the patentee claiming less than what the patentee was entitled to as patentee is entitled to broader claims not including the limitations set forth in these recitations.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed
<u>9400524</u> (Number)	<u>Germany</u> (Country)
	<u>13 January 1994</u> (Day/Month/Year)
	<u>Yes</u>

(Number)	(Country)	(Day/Month/Year)	
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I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/371,219</u> (Application Serial No.)	<u>January 11, 1995</u> (Filing Date)	<u>U.S.P. 5,501,368</u>
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I hereby appoint as principal attorneys:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169, to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INVENTOR:
Citizenship:
Postal Address/Residence:

10.10.2000

Date

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